



May 3, 2002

Mr. Michael Jay Burns  
Supervising Attorney  
Texas Workforce Commission  
101 East 15<sup>th</sup> Street  
Austin, Texas 78778-0001

OR2002-2336

Dear Mr. Burns:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code, the Public Information Act, (the "Act.") Your request was assigned ID# 162300.

The Texas Workforce Commission (the "commission") received a request for an opportunity to inspect the commission's "computer database system, all capabilities, speed and it's (sic) contents." The requestor states that he is seeking "data which shows the race and the sex of any person who has applied for Unemployment Benefits since January 01, 1997." The requestor also asks to "have available my entire computerized records so that I may view them on the computer screen[.]" You inform this office that you have provided printouts of all of the computer screens of requestor's Unemployment Insurance ("UI") records to the requestor. However, you assert that the Act does not provide a requestor a right of access to computer equipment owned, maintained, and operated by a governmental body.

In Open Records Decision No. 571(1990), this office determined that the Act does not give members of the public a right to use a governmental body's computer to inspect records for two reasons: 1) to protect the integrity of the governmental records and 2) to prevent access to confidential information. Open Records Decision No. 571 at 4 (1990). Therefore, in this instance, we conclude that the Act does not require the commission to grant the requestor a right to use the commission's computer to conduct a search for public information.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by

filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

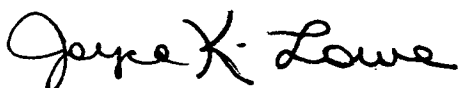
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Joyce K. Lowe  
Assistant Attorney General  
Open Records Division

JKL/sdk

Ref: ID# 162300

Enc: Submitted documents

c: Mr. Harold Cornish  
601 Nora Lane  
DeSoto, Texas 75115  
(w/o enclosures)